

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

LISA KRAMER

PLAINTIFF

vs.

JP MORGAN CHASE BANK, N. A.

DEFENDANT

CIVIL ACTION NO. 1:12-CV-00700-SS

AFFIDAVIT OF PLAINTIFF LISA KRAMER

BEFORE ME, the undersigned Notary Public, on this day personally appeared Lisa Kramer, the Affiant, a person whose identity is known to me. After I administered an oath to Affiant, Affiant testified:

1. "My name is Lisa Kramer. I am over the age of 21 years and I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. "I am the Plaintiff in the above styled and numbered lawsuit.

3. "In February 2000, my then husband Bryan Kastleman and I purchased a home ("homestead" or "our homestead") at 17 Ehrlich Road, Austin, Travis County, Texas 78746. In February 2005, my then husband Bryan Kastleman, without my knowledge or consent or agreement or participation, obtained a \$250,000 home equity line of credit ("HELOC") loan from JP Morgan Chase Bank, N.A. ("Chase" or "Chase Bank") the Defendant in this lawsuit. Bryan Kastleman's February 2005 HELOC loan ("the loan" or "the HELOC loan") is the subject of this lawsuit.

4. "In August 2008, my then husband Bryan Kastleman and I were considering selling our homestead. In August 2008, I learned for the first time from one of our realtors that there was a second lien on our homestead in addition to our original purchase money mortgage. I thereafter learned that the second lien was the HELOC loan. Prior to August 2008, I had

absolutely no knowledge of the existence of the Chase Bank HELOC loan or of the lien (second lien) that Chase Bank had placed upon our homestead to secure the HELOC loan.

5. "I never signed any written agreement or written consent or written disclosure or deed of trust or security agreement or lien or Notary Public book pertaining to the Chase Bank HELOC loan. I was never present at and never attended any "closing" of the Chase Bank HELOC loan.

6. "Attached to this affidavit as Exhibit 1 is a true and correct front and back copy of my personal check number 5725, dated February 5, 2013 payable to "Chase" (Chase Bank) in the amount of \$249,910.71 which I submitted as payment of the Chase Bank HELOC loan ending 0028 ("the \$249,910.71 check" or "the \$249,910.71 payment"). As reflected on the attached Exhibit 1 the \$249,910.71 check cleared my bank on February 5, 2013 and was paid in full to Chase Bank. I wrote the \$249,910.71 check during a hearing in Cause No. D-1-FM-09-0029598 in the District Court, 53rd Judicial District, Travis County, Texas In the Matter of the Marriage of Lisa Kastleman and Bryan Kastleman ("the divorce case") in District Court on February 5, 2013 at which time my ex-husband Bryan Kastleman was seeking a court order, in part, to appoint a receiver to sell the homestead (in which I then resided) unless I refinanced the Chase Bank HELOC loan. In order to preclude the possibility of a receiver being appointed to sell my home (the homestead), I agreed to pay off Chase Bank HELOC loan and I wrote the \$249,910.71 check for what I then understood to be the most recent "pay off" on the Chase HELOC loan. During the February 5, 2013 hearing in the divorce case, my attorney Joe Webber handed the \$249,910.71 check (attached Exhibit 1) to Robert Ettinger the attorney for my ex-husband Bryan Kastleman."


LISA KRAMER, Affiant

STATE OF TEXAS)
)
COUNTY OF TRAVIS)

VERIFICATION


Before me, the undersigned Notary Public, on this day personally appeared Lisa Kramer, the Affiant, a person whose identity is known to me. After I administered an oath to the Affiant, Affiant testified:

"My name is Lisa Kramer. I have read the "Affidavit of Plaintiff Lisa Kramer". The facts stated in it are within my personal knowledge and are true and correct."

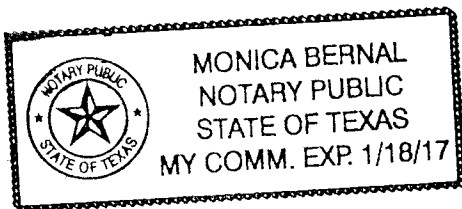


LISA KRAMER, Affiant

Sworn to and subscribed to before me by the above signed Lisa Kramer on August 13th, 2013.



Notary Public in and for
The State of Texas



Wells Fargo View Check Copy

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View Check Copy

Check Number	Date Posted	Check Amount	Account Number
5725	02/05/13	\$249,910.71	COMPLETE ADVANTAGE CHECKING XXXXXX8396

LISA KRAMER
17 EMBURY RD
AUSTIN, TX 78746-3110

5725

32-85/1118 01/08
07/20/08/08

2/5/13

Pay to the
Order of:

Chase
two hundred forty nine thousand nine hundred and 71/100

\$249,910.71

0028 Leon Kramer
1119008594 3398 05725

For: 0028 Leon Kramer
1119008594 3398 05725

Equal Housing Lender

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EX. 1

(to preceding EX.A)

